



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

ADMINISTRATIVE LAW JUDGE'S RULING REGARDING CLOSURE OF THE LOCAL COMPETITION PROCEEDING TO NEW MATTERS

By this ruling, parties are provided notice that this proceeding is to be closed to the introduction of new issues. Upon completion of the currently pending matters identified below, a final order will be prepared to close the proceeding. This proceeding has remained open for over 10 years, and has fulfilled its purpose as a forum for developing rules to facilitate opening local exchange telecommunications markets to competition.

Except for the pending matters discussed below, any issues previously identified for resolution in the Local Competition proceeding have either been adjudicated, transferred to other proceedings, or have become moot. Other than these specific matters, no further issues are anticipated to be addressed as part of this docket. To the extent that parties seek consideration of new issues, or issues previously identified in this docket that they believe require further Commission

action, they may file an application, complaint or petition for a new docket to be opened pursuant to Public Utilities Code Section 1708.5(a)¹ as appropriate. The currently pending matters identified below, however, will be resolved through issuance of Commission decisions in this docket based on the record that has already been developed.

Intercarrier Compensation for Virtual NXX Codes

Pursuant to Decision (D.) 03-09-005, this proceeding has been designated for resolution of issues relating to the treatment and compensation for calls involving “virtual” NXX codes transported over the networks of small Local Exchange Carriers. Comments have been filed setting forth parties’ positions, and no evidentiary hearings are contemplated. The Administrative Law Judge will issue a draft decision in this proceeding based on the record.

Area Code Relief and Numbering Resource Issues

In D.95-08-052 (C.94-09-058/C.95-01-001), the Commission designated Rulemaking 95-04-043 for consideration of statewide policies regarding area code relief planning. Over the succeeding years, the Commission has addressed various issues in this docket relating to area code relief planning and number administration policy. The only area code relief planning issue still pending in this docket involves the Petition for Modification of D.96-12-086 seeking elimination of 1+10-digit dialing requirements for overlays. This docket will remain open for the purpose of issuing a Commission decision on the Petition for Modification. To the extent that parties seek Commission consideration of any

¹ Pursuant to Section 1708.5, interested persons may petition the Commission to adopt, amend, or repeal a regulation.

additional policy issues relating to area code relief or other numbering matters, the appropriate vehicle would be a filing, pursuant to Public Utilities Code Section 1708.5, for the opening of new docket.

The Commission, on an ongoing basis, remains responsible for approving area code relief plans in accordance with federally delegated authority. Over the past several years, this proceeding has been used for filings by the North American Numbering Plan Administrator (NANPA) seeking approval of new area code relief plans. Various filings previously made by the NANPA seeking approval of new area code relief plans have not been acted upon by the Commission. These filings have become outdated over time. To the extent that the NANPA or successor party seeks Commission approval of area code relief plans, they shall file such requests as new applications.

Upon the closing of this proceeding, no further filings or technical reports relating to area code relief or number administration matters will be processed within this docket. The Commission's Telecommunications Division will continue its ongoing monitoring functions and will apprise carriers, as deemed necessary, when or if data relating to number administration or area code relief matters are needed by the Commission.

Dispute Resolution Procedures

Parties have used this docket for filing motions seeking Commission action in resolving interconnection agreement disputes between carriers under the process outlined in D.95-12-056. Currently, there is only one pending motion of this nature that remains to be resolved within this docket. Parties have filed

briefs, and this dispute shall be addressed within the existing docket.² Parties, however, should henceforth no longer file motions to initiate new dispute resolution matters in this docket. Instead, parties should file any such requests for dispute resolution in the form of a new application for dispute resolution. Where applicable, the caption heading of such applications should reference the dispute resolution process in D.95-12-056. In this manner, the Commission will be better able to process such filings in the most efficient manner.

Triennial Review Order/Triennial Review Remand Order Phase

Petitions for Modification of D.05-07-043 have been filed within this docket by Pacific Bell Telephone Company dba AT&T California dba SBC California and by Verizon California Inc. D.05-07-043 terminated the phase of this proceeding relating to the Federal Communications Commission Triennial Review Order and Triennial Review Remand Order. The docket shall remain open for issuing a Commission decision resolving the Petitions for Modification of D.05-07-043.

The Utility Reform Network (TURN) has also filed a request for intervenor compensation for its work in connection with D.05-07-043. The docket shall remain open for the purpose of issuing a Commission decision on TURN's request for intervenor compensation.

Response to this Ruling

If a party has no objection to closing this docket in accordance with the process outlined above, no comments need be filed in response to this ruling. If

² Concurrent briefs were filed on May 12, 2006 by Pacific Bell Telephone Company dba AT&T California and by Pac-West Telecomm, Inc. regarding a dispute as to the proper treatment of telephone calls that originate in the Internet Protocol and terminate to the public switched telephone network.

any party has concerns and/or objections to the process outlined in this ruling for the closure of the docket, they may file comments to be due no later than August 10, 2006.

IT IS RULED that:

1. Parties are hereby provided notice of the Commission's intention to close this docket to new matters in the manner outlined above. Parties need not file any comments in response to this ruling unless they have specific concerns and/or objections to the process outlined for closure of the proceeding. Comments, if any, in response to this ruling shall be filed and served no later than August 10, 2006.
2. Upon conclusion of the remaining issues pending, outlined above, a final order will be prepared to close the docket.
3. Any new requests for the Commission to approve a new area code relief plan would be made by filing a new application.
4. Parties should file any subsequent requests for dispute resolution in the form of a new application. Where applicable, the caption heading of such application should reference the dispute resolution process in D.95-12-056 in order to facilitate processing.
5. To the extent that parties seek Commission consideration of new rulemaking issues or believe that issues previously identified within this proceeding still require Commission action, they may file a petition for the opening of a new docket pursuant to Public Utilities Code Section 1708.5.

6. The Docket Office shall not accept filings in the docket, except as explicitly authorized by this ruling.

Dated July 27, 2006, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer

Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the Notice of Availability is current as of today's date.

Dated July 27, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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